

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	29 August 2017
REPORT TITLE	City Centre masterplan project EN10: Union Terrace Gardens - "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 201(X)"
REPORT NUMBER	CHI/17/195
INTERIM DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Graeme McKenzie

1. PURPOSE OF REPORT:-

Following completion of the statutory consultation process, this report considers the proposed Traffic Order "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 201(X)"

2. RECOMMENDATION(S)

It is recommended this Committee acknowledges there were no objections received as a result of the statutory consultation and thereby instructs officers to bring the Order into effect in accordance with the future timetable for the Union Terrace Gardens project.

3. BACKGROUND/MAIN ISSUES / OTHER HEADINGS AS APPROPRIATE

3.1 The Council, at its meeting on 15 March 2017, considered a report titled "City Centre Masterplan Project EN10: Union Terrace Gardens – Outline Design, Business Case, Development Costs and Procurement Strategy". That report was to advise members of the proposal, business case, indicative development costs and procurement strategy for the redevelopment of Union Terrace Gardens and seek authority to commence the procurement process for the works.

3.2 Within the report it was highlighted that to extend the Gardens development to the pocket park (Wallace Statue), located at the junction of Union Terrace and Rosemount Viaduct, a 'Stopping Up' Order would be required to permanently close that length of Union Terrace that currently acts as a slip road for vehicles turning left from Rosemount Viaduct. Once this proposed order is made the land concerned will cease to be classed as a road.

- 3.3 Consequently, the Council approved the recommendation to "...delegate authority to the Head of Public Infrastructure and Environment to commence the statutory consultation for the Stopping Up Order relating to the slip road between Rosemount Viaduct and Union Terrace and report back the results to the first available Communities, Housing and Infrastructure Committee".
- 3.4 For background, the proposed order has been promoted under the Statutory Instrument "The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986" in conjunction with the powers conferred on the Roads Authority under Section 68(1) of the Roads (Scotland) Act 1984. A copy of the public notice, draft order and statement of reasons are included within the appendix to this report.
- 3.5 It is recommended this Committee acknowledges there were no objections received as a result of the statutory consultation and thereby instructs officers to bring the Order into effect in accordance with the future timetable for the Union Terrace Gardens project.

4. FINANCIAL IMPLICATIONS

Please refer to Item 3 in the report titled "City Centre Masterplan Project EN10: Union Terrace Gardens – Outline Design, Business Case, Development Costs and Procurement Strategy", *Council, 15 March 2017*

Internet link: -

<https://committees.aberdeencity.gov.uk/documents/s67606/UTG.pdf>

5. LEGAL IMPLICATIONS

The Council as the local roads authority and in terms of its powers under the Roads (Scotland) Act 1984 is compelled to follow the procedure set out by the Statutory Instrument "The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986".

6. MANAGEMENT OF RISK

6.1 Financial

N/A

6.2 Employee

N/A

6.3 Customer / Citizen

If the proposed 'stopping up' is rejected, it will have a significant impact on part of the planned improvements for Union Terrace Gardens.

Potential Impact: High

Likelihood of occurrence: Low

Mitigation: It has been publicised the 'stopping up' will allow for a major enhancement of the northern end of the Gardens, including increased space and access for pedestrians, room for events and Union Terrace Plaza.

Risk Level: Medium

6.4 Environmental

N/A

6.5 Technological

N/A

6.6 Legal

N/A

6.7 Reputational

There is reputational risk to the Council, and wider city centre, of not delivering the key elements of the City Centre Masterplan, and specifically not responding to the demand for a rejuvenated Union Terrace Gardens.

Potential Impact: Low

Likelihood of occurrence: Low

Mitigation: Concerned parties would be provided with a thorough rationale as to the requirement for the proposal.

Risk Level: Low

7. **IMPACT SECTION**

Economy

By providing a more pleasant environment, this could have a commensurate benefit on footfall and spend in the city centre. The Council has a key role in delivering specific projects that will deliver economic impacts in their own right; and the Council's corporate role in delivering wider 'business facing' activity in supporting the competitiveness of the business environment. Supporting the implementation of the City Centre Masterplan and tourism, events and culture support are key elements of the Regional Economic Strategy. The project will also have a positive impact on city centre employers themselves, and also those operating in the retail, tourism and leisure sector.

Developers and subsequent occupants / employers base their 17 location decisions on being able to attract the best talent and skills to work in their businesses, and they recognise the positive correlation between their business competitiveness and the quality of the public realm.

People

The project will create a safer and attractive environment for all people living in and visiting Aberdeen. Residents, workers and visitors increasingly demand a high standard for the places they are in. Under the proposals, they could feel more content in a more attractive and vibrant environment; as reported in other competing cities with similar projects. With more people walking and cycling in the area there could be a reduction in inactivity-related illness. People will also benefit from the positive impact on air quality due to a reduction of emissions from vehicles in the area. Noise levels would be lower too.

Place

For Aberdeen to be globally competitive, the quality of the 'place', the commercial space and the public realm around it all have a role. Stakeholder engagement revealed that the 'poor state' of the City Centre is one of a number of issues identified as a common theme 'In terms of the attractiveness and marketing of the city to attract workers, visitors and investment...' and 'A high quality of life is integral to attracting and retaining the talent and investment needed to grow the economy. This sense of place, with a key emphasis on the city centre, is crucial in underpinning economic growth and essential in underpinning the necessary infrastructure requirements.'

Technology

N/A

8. BACKGROUND PAPERS

"City Centre Masterplan Project EN10: Union Terrace Gardens – Outline Design, Business Case, Development Costs and Procurement Strategy",
Council, 15 March 2017

Internet link: -

<https://committees.aberdeencity.gov.uk/documents/s67606/UTG.pdf>

9. APPENDICES

Appendix 1 – Public Notice, Draft Order, Statement of reasons

Appendix 2 – Objections

10. REPORT AUTHOR DETAILS

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Appendix 1

ABERDEEN CITY COUNCIL

ROADS (SCOTLAND) ACT 1984

NOTICE IS HEREBY GIVEN THAT the Aberdeen City Council propose to make an order under section 68(1) of the Roads (Scotland) Act 1984 stopping up the road described in the Schedule hereto.

The title of the order is "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 201(X)".

A copy of the proposed order and of the accompanying plan showing the road to be stopped up, together with a statement of the reasons for making the order have been deposited at the office of Traffic Management, Aberdeen City Council, Marischal College, Broad Street, Aberdeen, AB10 1AB. These documents are available for inspection free of charge from 04/07/17 until 02/08/17, between 10.00am and 4.00pm on weekdays.

ANY PERSON may, within 28 days from Wednesday 5 July 2017, object to the making of the order by notice in writing to Traffic Management, Aberdeen City Council, Business Hub 11, 2nd Floor West, Marischal College, Aberdeen, AB10 1AB, or alternatively by e-mail to TrafficManagement@aberdeencity.gov.uk. Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

4 July 2017

Fraser Bell
Head of Legal & Democratic Services
Aberdeen City Council
Town House
Aberdeen
AB10 1AQ

SCHEDULE

That length of Union Terrace, Aberdeen, from its eastern junction with Rosemount Viaduct, in a south-westerly direction for a distance of 51 metres or thereby. (*This length of road currently acts as a slip road for vehicles turning left from Rosemount Viaduct onto Union Terrace*)

ABERDEEN CITY COUNCIL
ROADS (SCOTLAND) ACT 1984

**The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order
201(X)**

The Aberdeen City Council, in exercise of the powers conferred on them by section 68(1) of the Roads (Scotland) Act 1984 and of all other powers enabling them in that behalf, and having considered that the road specified in the Schedule to this order has become unnecessary and being satisfied that a suitable alternative road exists, hereby make the following order:-

1. This order may be cited as "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 201(X)" and shall come into operation on (implementation date).
2. The stopping up of the road in Aberdeen specified in the schedule to this order is hereby ordered.
3. Where there is, immediately before the date on which the said road is stopped up under this order, any apparatus belonging to any statutory undertakers under, in, on, over, along or across the road for the purpose of carrying on their undertaking, the said statutory undertakers shall after the commencement of this order continue to have rights in respect of the said apparatus as they immediately had before that date.

Given under the seal of Aberdeen City Council on the _____ day of _____, Two Thousand and __teen.

.....
Head of Legal & Democratic Services

.....
Witness

SCHEDULE

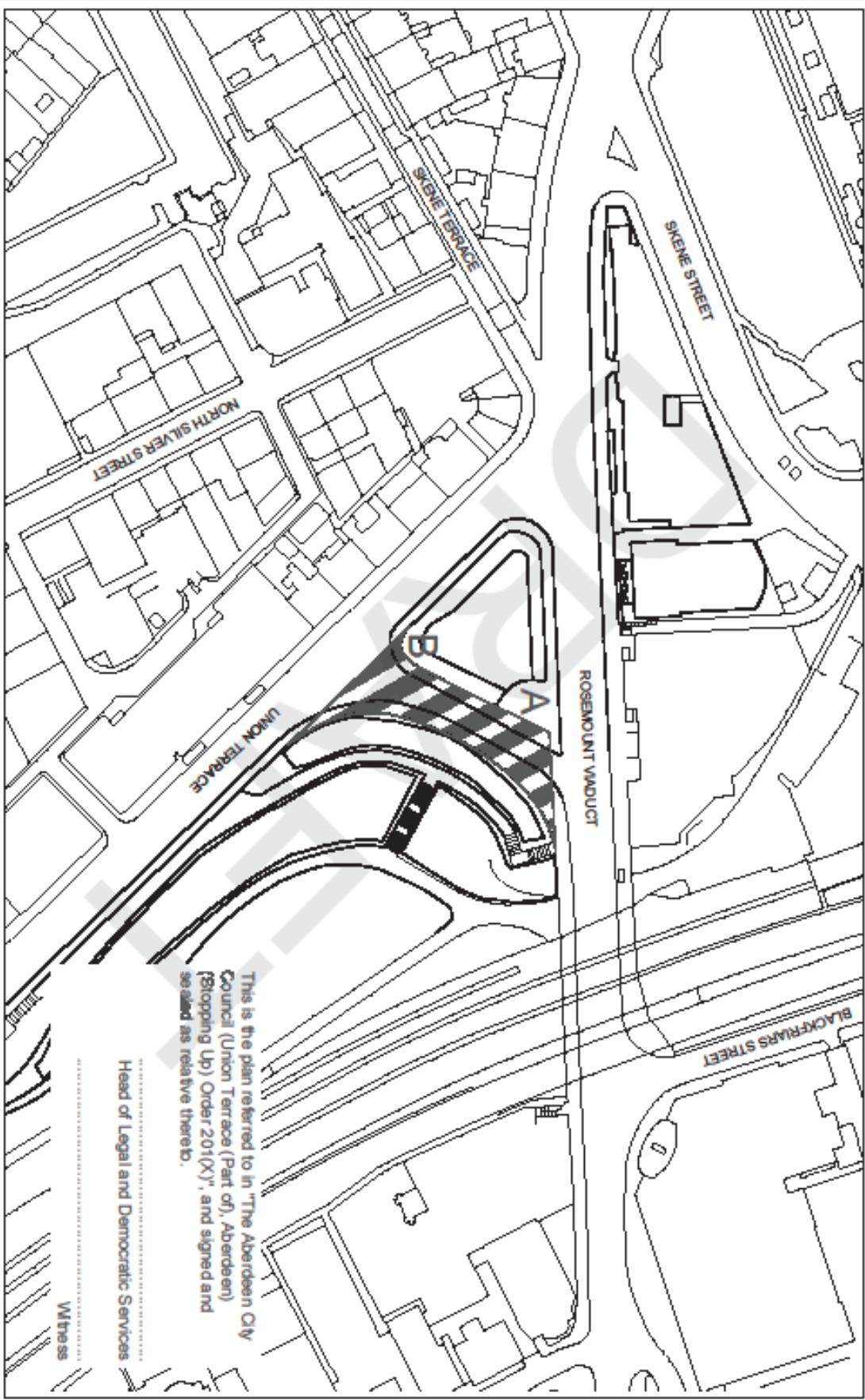
ROAD TO BE STOPPED UP

That length of Union Terrace, Aberdeen, from its eastern junction with Rosemount Viaduct, in a south-westerly direction for a distance of 51 metres or thereby as shown by zebra hatching between points 'A' and 'B' on the plan numbered ACC/UT/01/17 and entitled "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 201(X)", annexed and signed as relative hereto.

.....
Head of Legal & Democratic Services

.....
Witness

DRAFT



This is the plan referred to in "The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 2017(X)", and signed and sealed as relative thereto.

Head of Legal and Democratic Services

Witness

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LEGEND
Length of road to be stopped up

The Aberdeen City Council (Union Terrace (Part of), Aberdeen) (Stopping Up) Order 2017(X)

Scale	1:1250	Date	29/08/2017
Drawn by	ACC/UT/01/H7		

ABERDEEN CITY COUNCIL

ROADS (SCOTLAND) ACT 1984

**THE ABERDEEN CITY COUNCIL (UNION TERRACE (PART OF), ABERDEEN)
(STOPPING UP) ORDER 201(X)**

STATEMENT OF REASONS

In order to facilitate the redevelopment of Union Terrace Gardens, the Aberdeen City Council considers part of Union Terrace, Aberdeen, to be unnecessary. The length of road concerned currently functions as a slip road for vehicles turning left from Rosemount Viaduct onto Union Terrace (eastern junction). This length is considered unnecessary, however, as vehicles will be able to perform this same turn at the western junction of Union Terrace with Rosemount Viaduct. Accordingly, there is no requirement to specify an alternative route as Union Terrace will remain passable to vehicular traffic. Similarly, pedestrian access will also be unaffected.